

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GENE WAGERS, JR.,

Petitioner,

Case No. 3:13-cv-031

-v-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

Warden, Lebanon Correctional Institution,

Respondent.

ORDER DISMISSING CASE

The Court having been advised of the Petitioner's death on February 2, 2013, the above-captioned action is DISMISSED AS MOOT. The Magistrate's Report and Recommendations (Doc. No. 3) is likewise stricken as moot.

February 25, 2013.



Walter Herbert Rice
United States District Judge